

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

MARGARET SMITH,

Plaintiff,

vs.

CARDENAS MARKETS, INC.; LAMANZA,  
 LLC,

Defendant.

Case No.: 2:20-cv-00004-GMN-VCF

**ORDER**

Pending before the Court is the Motion to Dismiss, (ECF No. 20), filed on April 6, 2020, by Defendants Cardenas Markets, Inc. and Lamanza, LLC (“Defendants”). Defendants seek dismissal of Plaintiff Margaret Smith’s Amended Complaint, (ECF No. 1-3), on the ground that Plaintiff has failed to update her address with the Court as required by Local Rule IA 3-1. Defendants further state that they attempted to contact Plaintiff by phone at her last known number, but without success even after leaving voicemails. (Mot. Dismiss 2:3–19). Defendants contend that litigation cannot currently proceed or be decided on the merits because Plaintiff is unreachable. (*Id.*).

Local Rule IA 3-1 provides that an attorney or pro se party must immediately file with the court written notification of any change of mailing address, email address, telephone number, or facsimile number—and that failure to do so may result in “the dismissal of the action, entry of default judgment, or other sanctions as deemed appropriate by the court.” D. Nev. Local R. IA 3-1. Here, the docket reflects that since March 30, 2020, Plaintiff has not provided the Court with a functional address for her. Specifically, on March 30, 2020, the Court received a returned mailing of its Order granting Plaintiff’s counsel’s Motion to Withdraw, which the Court had sent to Plaintiff’s previously provided home address. (*See Not.*

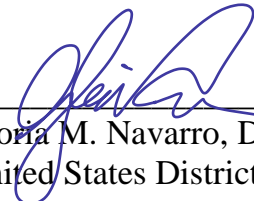
1 Mail Returned, ECF No. 19). Defendants also received a notice of mail returned as  
2 undeliverable when attempting to mail their Motion to Dismiss to Plaintiff. (Not. Regarding  
3 Mot. Dismiss, ECF No. 22). Consequently, without a functional address for Plaintiff, and in  
4 light of Defendants' unsuccessful attempts at contacting Plaintiff by phone, the Court finds that  
5 it cannot presently proceed with litigation on the merits of this case.

6 **IT IS HEREBY ORDERED** that Defendants' Motion to Dismiss, (ECF No. 20), is  
7 **GRANTED**. Plaintiff's Amended Complaint, (ECF No. 1-3), is **DISMISSED without**  
8 **prejudice**.

9 **IT IS FURTHER ORDERED** that Plaintiff's Motion to Remand, (ECF No. 8), is  
10 **DISMISSED as moot**.

11 The Clerk of Court shall close the case.

12 **DATED** this 28 day of April, 2020.

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16 Gloria M. Navarro, District Judge  
17 United States District Court  
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